

REMARKS

The specification has been amended to complete the references to other patents and patent applications.

Claim 13 has been amended to refer to the beam shaping optics being in the "beam path" That such was intended would have been completely clear to anyone in this art upon reading the claim, and thus the amendment was not necessary to meet the requirements of §112.

The examiner has rejected claim 13, the only independent claim, under 35 U.S.C. 102(f) as being anticipated by supposed admissions of prior art in the application. The examiner is urged to reconsider and withdraw the rejection.

The admitted prior art to which the examiner refers (FIGS. 1, 7, and 8) does not teach either element (a) or element (b) of claim 13.

Element (a) requires that

a laser producing a light beam [with] beam divergence in the x axis being greater than beam divergence in the y axis.

The x and y axes are defined by the indication in the preamble that the light beam is scanned in the x direction. The admitted prior art does not include a laser with the required greater divergence in the x axis. Indeed, the admitted prior art is indicated to have a laser with exactly the opposite divergence -- greater divergence in the y axis (page 14, lines 7-10):

The laser diode is a gain guided laser having high astigmatism so that the beam fans out much more in one direction than in the other. In the device shown, the laser is aligned so that the beam fans out in the y direction.

It is the laser described in connection with the invention (FIG. 8) that has the greater divergence in the y axis (page 15, lines 4-6):

The laser is positioned so that the unmodified beam tends to fan out in the X direction (in other words, the laser is rotated through 90° from that shown in Figure 6.

It could not be clearer that the admitted prior art is described as having the opposite of what element (a) of the claim requires.

Element (b) is also not taught by the admitted prior art. For example, the examiner's suggestion to the contrary, indicating that FIG. 1 "shows a negative beam shaping optical element in the part cylindrical concave mirror 32" misses the point. Element (b) requires a "negative beam-shaping optics in the beam path". The mirror of FIG. 1 is a collection mirror, and not in the path of the laser beam.

Accordingly, independent claim 13 is in condition for allowance.

The remaining claims are all properly dependent on one or more of the independent claims, and thus allowable therewith. Each of the dependent claims adds one or more further limitations that enhance patentability, but those limitations are not presently relied upon. For that reason, and not because applicants agree with the examiner, no rebuttal is offered to the examiner's reasons for rejecting the dependent claims.

Allowance of the application is requested.

Upon reviewing the file, applicants noted that they have not received an initialed copies of the enclosed PTO Forms 1449 and 892 from the parent application that accompanied this application when filed on January 16, 2002. Applicants' records show that these forms complied with 37 CFR 1.97. Thus, we respectfully request that the examiner initial and return these forms as soon as possible.

Applicant : Dvorkis et al.
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Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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